

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1329.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ADULTERATION OF CATSUP.

On September 14, 1910, the United States Attorney for the Southern District of Iowa, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 225 cases of catsup in the possession of the Biklen Winzer Grocer Co., of Burlington, Iowa. The product was labeled: "Made from tomatoes, Granulated sugar, Vinegar and Spices. 1/10 of 1% Sodium Benzoate—Put up for Biklen Winzer Grocer Co. Serial 8904, Burlington, Ia. Bunker Hill Brand Ketchup." (On containers): "2 doz. 14 oz. Bunker Hill Brand Tomato Ketchup—Preserved with 1/10 of 1% Benzoate Soda—Packed for Biklen Winzer Grocer Company, Burlington, Ia."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain yeasts and spores to the number of 329 per one-sixtieth cubic millimeter and 100,000,000 bacteria in each cubic centimeter, also mold filaments present in 94 per cent of the microscopic fields examined. The libel alleged that the product, after shipment by Harbauer-Marleau Co., of Toledo, Ohio, from the State of Indiana into the State of Iowa, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a putrid or decomposed vegetable substance and was therefore liable to seizure for confiscation.

On December 6, 1910, the case coming on for hearing and the Biklen Winzer Grocer Co. having appeared as claimants and owners of the product and made answer to the libel, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal, but with the proviso that it might be released to claimants upon the payment of all costs and the execution by them of a bond satisfactory to the court on condition that the said property should not be again sold contrary to law.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 25, 1912.*

